

REMARKS

Claims 1-9 are pending in this application. The Office Action rejects claim 1 and 7 under 35 U.S.C. §102(b); and rejects claims 1-10 under 35 U.S.C. §103(a). By this Amendment, claim 1 is amended to incorporate the features of claim 10; and claim 10 is cancelled. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (as the amendments amplify issues previously discussed throughout prosecution); and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

I. Rejection under 35 U.S.C. §102(b)

Claims 1 and 7 are rejected under 35 U.S.C. §102(b) as anticipated by Goto (JP 2000-173562). Applicant respectfully traverses the rejection.

Amended claim 1 incorporates the subject matter of non-rejected claim 10. Therefore, amended independent claim 1 is not anticipated to the same extent that previously presented claim 10 was not anticipated. Dependent claim 7 is therefore also not anticipated for at least the reason that independent claim 1 is not anticipated.

Reconsideration and withdrawal of the rejection are respectfully requested.

II. Rejections under 35 U.S.C. §103(a)

Claims 1-2 and 5-7 are rejected under 35 U.S.C. §103(a) as having been obvious over Goto in view of Hiroshi (JP 2000-294221), or visa versa. Applicant respectfully traverses the rejection.

By this Amendment, claim 1 is amended to incorporate the features of non-rejected claim 10. Accordingly, amended independent claim 1 would not have been obvious over Goto in view of Hiroshi to the same extent that previously presented claim 10 would not have been obvious over Goto in view Hiroshi. Dependent claims 2 and 5-7 would therefore also not have been obvious for at least the reason that independent claim 1 would not have been obvious.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 3 and 4 are rejected under 35 U.S.C. §103(a) as having been obvious over Goto in view Hiroshi, in further view of Yoshie (JP61-198550). Applicant respectfully traverses the rejection.

As discussed above, by this Amendment claim 1 is amended to incorporate the features of claim 10. Therefore, because claim 10 would not have been obvious over Goto in view of Hiroshi in further view of Yoshie, amended claim 1 also would not have been obvious over Goto in view of Hiroshi in further view of Yoshie. Therefore, dependent claims 3 and 4 would not have been obvious over Goto in view of Hiroshi in further view of Yoshie, for at least the reason that independent claim 1 would not have been obvious.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 8-10 are rejected under 35 U.S.C. §103(a) as having been obvious over Goto in view of Hiroshi, in further view of Fukuda (U.S. Patent 6,877, 216). Applicant respectfully traverses the rejection.

Specifically, to the extent that amended claim 1 incorporates the features of claim 10, Applicant respectfully submits that Goto in view of Hiroshi, in further view of Fukuda, does not teach or suggest all the features of amended claim 1. Applicant respectfully submits that the combination of Fukuda with Goto in view of Hiroshi is improperly based on hindsight,

such that a person having ordinary skill in the art would not have combined the teachings therein absent the present disclosure.

In particular, the combination would not have been obvious because Goto specifically *teaches away* from a method wherein one of the pair of heating members has a *planar surface*. The Office Action alleges that "it is considered functionally equivalent that both of the heating members include the grooves or only one of the heating members is formed with grooves with the second heating member having a planar surface as evidenced by Fukuda." However, Applicant respectfully submits that this alleged teaching of Fukuda cannot be combined with the teachings of Goto, at least because Goto teaches away from a heating member with a planar surface.

Specifically, Goto at least at paragraphs [0008], [0009] and [0020] teaches that the advantages taught by Goto are directly caused by the use of heating members that both correspond to the shape of a lead. For example, paragraph [0009] states that "The metallic mold of this invention can heat seat a sealant layer, without putting superfluous pressure on a lead, *since a crevice corresponding to shape of a lead* taken out from between sealant layers heat sealed is formed in the press surface" (emphasis added). Similarly, paragraph [0020] states that "the crevice 6 made to *correspond to the shape of the lead* 4 is formed in the press surface... *From this*, it becomes unnecessary to form an insulating film" (emphasis added). As is understood throughout Goto, the "press surface" is a heating member.

Therefore, because Goto specifically teaches that both heating members must have grooves therein in order to achieve the advantageous effects described, a person having ordinary skill in the art would *not* have considered a system wherein each heating member has a groove to be functionally equivalent to a system wherein *only one* heating member has a groove *while the other heating member has a planar surface*.

Furthermore, Hiroshi does not cure the deficiency of Goto in view of Fukuda, as discussed above. As is discussed in the Office Action at page 3, Hiroshi does not disclose the recited configuration of the groove in the heating member. Therefore, even if the teachings of Fukuda could have been combined with the teachings of Hiroshi, such a combination would not have rendered the present claim 1 obvious, as is admitted by the Office Action.

Thus, because the teachings of Goto cannot be combined with the teachings of Fukuda as discussed above, the present independent claim 1 would not have been obvious over Goto in view of Hiroshi, in further view of Fukuda.

Therefore, amended independent claim 1 is patentable over the cited references for at least the reason discussed above. Dependent claims 2-9 are thus also patentable for at least the reason that independent claim 1 is patentable.

Reconsideration and withdrawal of the rejection are respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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